

2008 Regular Session of the Louisiana Legislature

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Act Summaries

Act 5 (HB 71) Re-creates the Department of Insurance. Adds R.S. 49:191(4); Repeals R.S. 49:191(2)(j). (eff. 6/30/08)

Act 11 (HB 214) Requires the notification of the appointment of officers or directors of foreign and alien insurers. Adds R.S. 22:990.1. (eff. 8/15/08)

Act 15 (HB 333) Provides relative to fraudulent insurance acts and penalties. Amends R.S. 22:1243(A) and 1244(A); Adds 22:1242(1)(h) and (i). (eff. 8/15/08)

Act 19 (HB 369) Provide for the ordinary operating expenses of state government for Fiscal Year 2008-2009. (eff. 7/1/08)

Act 21 (HB 691) Provides for changes to the Louisiana Health Plan. Amends R.S. 22:231(E), 232(2), 234(A)(2), 236(7)(a), 237(B)(1) and (C), 239.1(C)(2) and (3), 240(A) and (F)(3), and 242(B). (eff. 8/15/08)

Act 75 (HB 227) Allows continuation of survivor benefits upon remarriage of a surviving spouse of a disability retiree. Amends R.S. 11:2258(C). (eff. 6/5/08)

Act 107 (HB 354) Provides for the payment of certain insurance premium costs for certain retired assessors and assessors' employees in certain parishes. Amends R.S. 47:1923(D). (eff. 8/15/08)

Act 109 (HB 481) Provides relative to the definition of "covered claim" under the LIGA statute. Amends R.S. 22:1379(3)(f). (eff. 8/18/08)

Act 125 (HB 141) Corrects the statutory reference to homeowners insurance. Amends R.S. 22:667.1(A). (eff. 8/15/08)

Act 132 (HB 606) Provides for discounts on automobile insurance with vehicles that have certain features. Amends R.S. 22:1404(E) and (F); Adds R.S. 22:1404(G). (eff. 6/6/08)

Act 137 (HB 1130) Provides relative to ownership of client files by insurers. Amends R.S. 22:1474(B)(5) and (D)(3); Adds R.S. 22:1474(D)(4). (eff. 8/15/08)

Act 143 (HB 223) Requires certain insurers, health maintenance organizations, managing general agents, and third-party administrators to maintain written catastrophe plans. Amends R.S. 22:1479. (eff. 8/15/08)

Act 151 (HB 516) Provides relative to coverage of rehabilitative services, physical therapy, occupational therapy, and speech and language pathology therapy. Amends R.S. 22:230.1(A). (eff. 8/15/08)

Act 169 (HB 1165) Provides for an increase in the maximum weekly benefit amount relative to unemployment compensation. Amends R.S. 23:1474(I), 1592(E) and 1595(A); Adds R.S. 23:1536(E)(4). (eff. 6/12/08)

Act 189 (SB 525) Requires parishes and municipalities to comply with federal flood plain management and flood insurance programs prior to construction of local flood protection or storm damage reduction. Adds R.S. 38:84(C). (eff. 7/1/08)

Act 194 (HB 140) Removes reference to repealed statute in uninsured motorist law. Amends R.S. 22:680(1)(a)(iv) and (4). (eff. 8/15/08)

Act 199 (HB 188) Provides for noncontinuation of group health benefits. Amends R.S. 22:215.13(D). (eff. 8/15/08)

Act 205 (HB 1360) Provides relative to a life insurance policy or annuity issued to fund a pre-need funeral contract. Adds R.S. 22:170.2. (eff. 1/1/09)

Act 206 (HB 42) Repeals an exemption on minimum garage liability insurance coverage on certain used motor vehicle dealers. Amends R.S. 32:791(I). (eff. 8/16/08)

Act 208 (HB 224) Authorizes the commissioner of insurance to assess health maintenance organizations a financial regulation fee. Amends R.S. 22:1078(B)(2). (eff. 8/15/08)

Act 211 (HB 385) Provides for ratemaking by La. Citizens Property Insurance Corporation. Amends R.S. 22:1430.12(A)(2) and (C) and R.S. 44:4.1(B)(10). (eff. 8/15/08)

Act 220 (HB 1058) Makes technical corrections to the Louisiana Revised Statutes of 1950. (eff. 6/14/08)

Act 244 (HB 38) Provides for the payment of certain insurance premium costs for certain retired assessors and assessors' employees in Assumption Parish. Amends R.S. 47:1923(D). (eff. 8/15/08)

Act 271 (HB 356) Relative to the Sheriff's Pension and Relief Fund, provides relative to the recalculation of benefits and restoration of service credit for certain rehired retirees Amends R.S. 11:2175(D)(3). (eff. 6/17/08)

Act 296 (HB 765) Requires a parish or municipality to comply with federal flood plain management and flood insurance programs. Adds 38:84(C). (eff. 6/17/08)

Act 305 (HB 925) Provides benefits for certain services performed by licensed marriage and family therapists. Adds R.S. 22:669.1. (eff. 8/15/08)

Act 307 (HB 953) Provides relative to conversion of mutual life insurers and mutual life insurance holding companies. Amends R.S. 22:806; Adds R.S. 22:822 through 833. (eff. 6/17/08)

Act 325 (HB 1179) Provides for the appointment of a registered agent for service of process. Adds R.S. 9:2242. (eff. 8/15/08)

Act 330 (HB 1269) Provides for initial Medicare surveys for health care facilities upon approval by the Centers for Medicare and Medicaid Services. Amends R.S. 40:2006.1(B). (eff. 6/17/08)

Act 339 (HB 134) Provides relative to the removal of mortgage inscriptions. Adds R.S. 13:4344.1. (eff. 8/15/08)

Act 347 (HB 302) Provides that the 10% surcharge on rates charged by the La. Citizens Property Insurance Corp. shall not apply in St. Mary Parish. Amends R.S. 22:1430.12(D). (eff. 8/15/08)

Act 349 (HB 318) Requires health insurance coverage of prosthetic devices and prosthetic services. Adds R.S. 22:215.26. (eff. 6/21/08)

Act 353 (HB 369) Provides for the state's entry into the Interstate Insurance Product Regulation Compact. Adds R.S. 22:1450.51 and 1450.52. (eff. 8/15/08)

Act 385 (HB 1332) Requires the commissioner of insurance to publish a report regarding life insurance agent examinations. Adds R.S. 22:1135(I) and (J). (eff. 7/1/08)

Act 386 (HB 1366) Requires that pharmacy benefit managers be licensed and regulated by the commissioner of insurance as third-party administrators. Adds R.S. 22:3047. (eff. 1/1/09)

Act 388 (SB 17) Requires applications with La. Citizens Property Insurance Corporation to disclose insurance carriers who denied coverage. Amends R.S. 22:1430.11(A) and (D). (eff. 6/21/08)

Act 390 (SB 44) Authorizes a "third invitation" for grants under the Insure Louisiana Incentive Program, provides for the recovery of unearned grants, and requires any unused money from the program to be used for a homeowner policy premium assistance program to reduce homeowners insurance premiums. Amends R.S. 22:3304 (C), (D), and (F), and R.S. 36:696(B); Adds R.S. 22:3309(E) and 3312. (eff. 6/21/08)

Act 402 (SB 149) Prohibits insurers from including fines and penalties in rate filings. Amends R.S. 22:1402.2(B)(1) (eff. 6/21/08)

Act 403 (SB 150) Provides for the formation and regulation of domestic captive insurers. Adds R.S. 22:2090.1 through 2090.26. (eff. 1/1/09)

Act 404 (SB 152) Provides for eligibility on a group life insurance policy. Amends R.S. 22:175(B)(7). (eff. 6/21/08)

Act 410 (SB 245) Provides for the types of insurers and risk bearing entities regulated under the Louisiana Insurance Code. Adds R.S. 22:48. (eff. 1/1/09)

Act 414 (SB 299) Provides for the eligibility of certain developmentally disabled persons in the state group benefits program. Adds R.S. 42:808(E). (eff. 6/21/08)

Act 415 (SB 335) Reorganizes and recodifies the Louisiana Insurance Code. Amends and reenacts Title 22. R.S. 22:1 through 2371. (eff. 1/1/09)

Act 416 (SB 347) Repeals outdated provisions of the Louisiana Insurance Code regarding certain life and accident insurers on a co-operative or assessment plan. Repeals R.S. 22:391 through 397. (eff. 1/1/09)

Act 420 (SB 374) Repeals outdated provisions regarding animal insurers. Repeals R.S. 22:1931 through 1943. (eff. 1/1/09)

Act 434 (SB 5) Requires that the Louisiana Citizens Property Insurance Corporation give a preference for insurance adjuster and underwriting work to Louisiana companies. Amends R.S. 22:1430.24; Adds R.S. 22:1430.25. (eff. 6/25/08)

Act 440 (SB 122) Provide for annual review of insurers who cancel or do not renew certain policies due to solvency considerations of the insurer. Adds R.S. 22:636.2(E). (eff. 8/15/08)

Act 442 (SB 154) Provides for regulation of discount medical plans with the commissioner of insurance. Adds R.S. 22:2037.1 through 2037.11. (eff. 1/1/09)

Act 443 (SB 155) Provides relative to the procedure for review of denied benefits by medical necessity review organizations. Amends R.S. 22:3071(1), (6), (8) and (17) through (32); Adds R.S. 22:3071(33) and (34) and 3093. (eff. 1/1/09)

Act 454 (SB 432) Clarifies application of certain warranties and conditions involving life and health and accident policies. Amends R.S. 22:619. (eff. 8/15/08)

Act 455 (SB 444) Adds Louisiana Insurance Guaranty Association to the exempt status for appeal bonds in judicial proceedings. Amends R.S. 13:4581. (eff. 8/15/08)

Act 465 (SB 538) Removes LIGA from the approval process of the Louisiana Citizens Property Insurance Corporation Policy Take Out Program bundles. Amends R.S. 22:1430.23(D). (eff. 8/15/08)

Act 467 (SB 555) Removes any reference to LIGA having oversight review of any application for certificate of authority. Amends R.S. 22:1384(A)(3). (eff. 8/15/08)

Act 469 (SB 588) Allocates excess money from the Insure Louisiana Incentive Program Fund to a program of homeowners insurance premium reduction for individuals who paid a premium during the previous 12 calendar months. Amends R.S. 22:3304(D) and (F) and R.S. 36:696(B); Adds R.S. 22:3312. (eff. 8/15/08)

Act 471 (SB 695) Provides for filing certain financial reports. Amends R.S. 22:1324(A)(1) and 1451(G); Adds R.S. 22:1324(A)(4). (eff. 8/15/08)

Act 504 (HB 1113) Provides relative to the statutory deposit requirements of insurers. Amends R.S. 22:1021, 1024 and 1027; Repeals R.S. 22:1023, 1025 and 1026. (eff. 1/1/09)

Act 512 (HB 186) Forgives unemployment compensation debt for certain employers. Amends R.S. 23:1552 (intro. para.) and (B)(6); Repeals R.S. 23:1552 (B)(7). (eff. 6/28/08)

Act 516 (SB 168) Exempts Louisiana employers who operate on a reimbursement basis within the unemployment compensation system from repayment of benefits paid following hurricanes Katrina and Rita and provides exceptions. Amends R.S. 23:1552(B)(6); Repeals R.S. 23:1552(B)(7). (eff. 8/15/08)

Act 517 (SB 33) Provides for requirements of health insurers for the Department of Health and Hospital's right to recover in Medicaid claims. Amends R.S. 46:446.6(B)(3) and 446.6(B)(4); Adds R.S. 46:446.6(C), (D) and (E). (eff. 8/15/08)

Act 529 (SB 241) Provides relative to insurance coverage for rehabilitative physical therapy. Amends R.S. 22:230.1(A). (eff. 6/30/08)

Act 537 (SB 287) Provides for Louisiana health care consumers' right to know. Amends R.S. 40:1300.111 through 1300.114. (eff. 6/30/08)

Act 540 (SB 337) Provides for uncompensated care hospital payments. Amends R.S. 46:2761(A). (eff. 8/15/08)

Act 554 (SB 593) Provides relative to the payment of health insurance premiums for certain district attorneys and by certain judicial districts. Amends R.S. 16:516. (eff. 8/15/08)

Act 575 (HB 191) Limits retroactive denial and recoupment of health insurance claims. Adds R.S. 22:250.34(E), (F) and (G). (eff. 1/1/09)

Act 582 (HB 383) Requires a pharmacy or pharmacist to collect local sales and use taxes upon the sale of prescription drugs or pharmacist services under certain circumstances. Adds R.S. 47:337.11.1. (eff. 6/30/08)

Act 608 (HB1147) Provides for the termination date of the insurance fraud investigation unit within DPS&C, public safety services, office of state police. Amends R.S. 40:1429. (eff. 8/15/08)

Act 628 (HB 241) Creates the crime of forged insurance documents. Adds R.S. 14:72.1.1. (eff. 8/15/08)

Act 648 (HB 958) Requires health insurance coverage of the diagnosis and treatment of autism spectrum disorders in individuals under 17 years of age. Adds R.S. 22:215.26; Repeals R.S. 22:669(A)(1)(b)(iii) and (viii). (eff. 8/15/08)

Act 687 (SB 240) Provide for the limitation of liability of the Louisiana Insurance Guaranty Association. Amends R.S. 22:1382(A)(1)(a). (eff. 8/15/08)

Act 703 (HB 535) Provides relative to allocation of death benefits to dependents of injured workers. Amends R.S. 23:1232. (eff. 8/15/08)

Act 704 (HB 547) Provides for the time and procedure for submission of filing fees. Amends R.S. 23:1310.11. (eff. 7/2/08)

Act 705 (HB 554) Provides relative to the discontinuance of business. Amends R.S. 23:1171.1(C)(1). (eff. 8/15/08)

Act 717 (HB 193) Provides for medical malpractice coverage for physicians who offer voluntary telemedicine services for the state. Amends R.S. 40:1299.39(A)(1)(a)(ii). (eff. 8/15/08))

Act 755 (HB 1290) Requires remittance advice on each pharmacy claim. Adds R.S. 22:250.52(10), (11), and (12) and 250.56(C), (D), and (E). (eff. 7/1/09)

Act 799 (SB 806) Provides for the regulation of preneed funeral contracts. Amends R.S. 37:861 through 867 and 831(38); Adds R.S. 37:831 (71) through (80). (eff. 1/1/09)

Act 818 (HB 237) Requires commissioner of insurance review and approval of vehicle mechanical breakdown insurance policies. Adds R.S. 22:1078(B)(26) and 1807.1. (eff. 8/15/08)

Act 849 (HB 1375) Authorizes a 10% discount to military personnel on homeowners insurance. Adds R.S. 22:1425.1. (eff. 8/15/08)

Act 851 (SB 16) Requires proof of compliance with Motor Vehicle Safety Responsibility Law to be reported to the commissioner of insurance for inclusion in the motor vehicle security database. Adds R.S. 32:863.2(F). (eff. 7/9/08)

Act 854 (SB 160) Provides for changes in homeowners insurance policy deductibles and the application of deductibles in the event of loss. Adds R.S. 22:635.3(D), (E) and (F) and 636.2(E), (F) and (G). (eff. 7/9/08)

Act 883 (HB 222) Requires filing with and approval of property residual value insurance policies by the commissioner of insurance and authorizes fees Adds R.S. 22:1078(B)(26) and 1907.1. (eff. 8/15/08)

Act 900 (HB 1369) Creates the Louisiana Addendum Board within the office of the state fire marshal, code enforcement and building safety. Amends R.S. 22:1405(B)(2). Adds R.S. 22:1405(B)(2)(i) and (j), (D)(11) and (M). (eff. 7/9/08)

Act 910 (SB 601) Creates the Post Employment Benefits Trust Fund in the State Treasury. (eff. 7/1/08)

Act 921 (HB 1312) Increases the minimum limits for compulsory motor vehicle liability insurance. Amends R.S. 32:861(B)(2), (C)(1)(a) and (b), 866(A)(1) and (F), 894(A) and 900(B)(2)(a), (b) and (c). (eff. 2010)

Act 934 (HB 584 (Constitutional Amendment) Provides relative to contributions to post-employment benefit funds for public employees.

Resolutions/Study Requests

HR 30 Memorializes Congress to take such actions as are necessary to create a national catastrophe fund.

HR 169 Urges and requests the Office of Group Benefits to study the bariatric surgery demonstration program.

HCR 123 Memorializes Congress to enact federal legislation limiting increases in health insurance premiums, deductibles, copayments, and other charges of military retirees for their military health benefits.

HCR 131 Urges and requests the Department of Insurance to conduct a study on statutorily mandated health insurance benefits.

HCR 178 Memorializes Congress to direct FEMA to review its recovery policies and programs, and report on social and economic issues relative to implementation of regulations of the National Flood Insurance Program affecting rebuilding efforts in coastal Louisiana.

HCR 180 Urges and requests LSU to report on social and economic issues relative to the implementation of regulations of the National Flood Insurance Program affecting rebuilding efforts in coastal Louisiana.

HCR 225 Urges and requests the Department of Insurance to assess network adequacy issues by market for all health insurance plans operating in the state and other related matters.

HSR 10 Requests the House Insurance Committee to study mandating health insurance coverage of the human papillomavirus vaccine. (Approved 6/16/08)

HCSR 2 Requests the Senate and House insurance committees to study requiring that GPS or another system be used to determine the location of property within a public fire protection area for purposes of assigning fire protection rates. (Approved 6/3/08)

HCSR 3 Requests House and Senate committees on insurance to study mandating health insurance coverage of telemedicine.

SR 32 Memorializes Congress to take such actions as are necessary to create a national catastrophe fund.

SR 113 Creates a task force to study and make recommendations to the legislature on the most efficient and effective utilization of disproportionate share financing in Louisiana for the provision of health care services to the uninsured.

SR 131 Requests the Department of Insurance to study all aspects of Senate Bill No. 464 of the 2008 Regular Session and to provide a written report to the Senate Committee on Insurance forty-five days prior to the convening of the 2009 Regular Session.

SR 144 Requests the Senate Committee on Finance to study all aspects of Senate Bill No. 776 of the 2008 Regular Session concerning the WELL LA Trust.

SCR 77 Requests the U.S. Army Corps of Engineers to certify for purposes of the National Flood Insurance Program the Larose to Golden Meadow hurricane protection project.

SCR 133 Requests the Department of Economic Development to study the negative impact of the onerous surplus lines tax on businesses in south Louisiana.

SSR 7 Requests the Senate Insurance Committee to study insurance producer licensing requirements.

Changes Effected From the 2008 Regular Session
Changes in Revised Statutes
Title 22 – Insurance

Title	Section	Change	Act No.
22	1 – 2371	Amend	415
22	48	Add	410
22	170.2	Add	205
22	175(B)(7)	Amend	404
22	215.13(D)	Amend	199
22	215.26	Add	349
22	215.26	Add	648
22	230.1(A)	Amend	151
22	230.1(A)	Amend	529
22	231(E)	Amend	21
22	232(2)	Amend	21
22	234(A)(2)	Amend	21
22	236(7)(a)	Amend	21
22	237(B)(1), (C)	Amend	21
22	239.1(C)(2), (3)	Amend	21
22	240(A), (F)(3)	Amend	21
22	242	Amend	21
22	250.34(E), (F), (G)	Add	575
22	250.52(10), (11), (12)	Add	755
22	250.56(C), (D), (E)	Add	755
22	391 – 397	Repeal	416
22	619	Amend	454
22	635.3(D), (E), (F)	Add	854
22	636.2(E)	Add	440
22	636.2(E), (F), (G)	Add	854
22	667.1(A)	Amend	125
22	669(A)(1)(b)(iii), and (viii)	Repeal	648
22	669.1	Add	305
22	680(1)(a)(iv), (4)	Amend	194
22	806	Amend	307
22	822 through 833	Add	307
22	990.1	Add	11
22	1021	Amend	504
22	1023	Repeal	504
22	1024	Amend	504
22	1025	Repeal	504
22	1026	Repeal	504
22	1027	Amend	504
22	1078(B)(2)	Amend	208
22	1078(B)(26)	Add	818

Title	Section	Change	Act No.
22	1078(B)(26)	Add	883
22	1135(I), (J)	Add	385
22	1242(1)(h),(i)	Add	15
22	1243(A)	Amend	15
22	1244(A)	Amend	15
22	1324(A)(1)	Amend	471
22	1324(A)(4)	Adds	471
22	1379(3)(f)	Amend	109
22	1382(A)(1)(a)	Amend	687
22	1384(A)(3)	Amend	467
22	1402.2(B)(1)	Amend	402
22	1404(E), (F)	Amend	132
22	1404(G)	Add	132
22	1405(B)(2)	Amends	900
22	1405(B)(2)(i), (j)	Add	900
22	1405(D)(11), (M)	Add	900
22	1425.1	Add	849
22	1430.11(A), (D)	Amend	388
22	1430.12(A)(2), (C)	Amend	211
22	1430.12(D)	Amend	347
22	1430.23(D)	Amend	465
22	1430.24	Amend	434
22	1430.25	Add	434
22	1450.51	Add	353
22	1450.52	Add	353
22	1451(G)	Amend	471
22	1474(B)(5), (D)(3)	Amend	137
22	1474(D)(4)	Add	137
22	1479	Amend	143
22	1807.1	Add	818
22	1907.1	Add	883
22	1931 – 1943	Repeal	420
22	2037.1 – 2037.11	Add	442
22	2090.1 – 2090.26	Add	403
22	3047	Add	386
22	3071(1), (6), (8), (17) through (32)	Amend	443
22	3071(33), (34)	Add	443
22	3093	Add	443
22	3304(C), (D), (F)	Amend	390
22	3304(D), (F)	Amend	469
22	3309(E)	Add	390
22	3312	Add	390
22	3312	Add	469